

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

United States of America,

Case No. 22-cr-168 (PJS/TNL)

Plaintiff,

v.

**ORDER**

Liem Duy Nguyen (1), and  
Blong Vang (2),

Defendants.

---

This matter comes before the Court on Defendant Liem Duy Nguyen's Motion to Exclude Time Under Speedy Trial Act, ECF No. 42. Defendant Nguyen also filed a Statement of Facts in Support of Exclusion of Time Under Speedy Trial Act, ECF No. 43. Defendant Nguyen requests a 30-day extension of the deadline for filing pretrial motions and the motions-hearing date as well as corresponding related dates. Defendant Nguyen states that, while he has "received part of the [G]overnment's intial disclosures," he is still waiting on "media disclosures in the nature of squad videos, body worn camera videos, surveillance videos, cell phone download data and the like." ECF No. 42 at 1-2. Defendant Nguyen anticipates receiving these "media disclosures" from the Government on March 13, 2023. Defendant Nguyen needs additional time to review discovery, consult with counsel, and consider how to proceed in this matter. The Government and Defendant

Nguyen's co-defendant, Defendant Blong Vang, have no objection to the requested extension.<sup>1</sup>

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendants in a speedy trial and such continuance is necessary to provide the parties and their respective counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant Nguyen's Motion to Exclude Time Under Speedy Trial Act, ECF No. 42, is **GRANTED**.
2. The period of time from **March 10 through April 10, 2023**, shall be excluded from Speedy Trial Act computations in this case. *See United States v. Mallett*, 751 F.3d 907, 911 (8th Cir. 2014) ("Exclusions of time attributable to one defendant apply to all codefendants." (quotation omitted)); *United States v. Arrellano-Garcia*, 471 F.3d 897, 900 (8th Cir. 2006) (same).<sup>2</sup>
3. The parties must disclose the identity of any expert witness and make all expert disclosures required by Federal Rule of Criminal Procedure 16 no later than 28 days

---

<sup>1</sup> At the time the motion was filed, counsel for Defendant Vang had not yet had any opportunity to confer with her client. ECF No. 42 at 3. Counsel subsequently informed the Court via e-mail that her client had no objection to the requested extension.

<sup>2</sup> "All defendants who are joined for trial generally fall within the speedy trial computation of the latest codefendant," *Henderson v. United States*, 476 U.S. 321, 323 n.2 (1986); *see* 18 U.S.C. § 3161(h)(7)(6) (excluding "[a] reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted"); *see also*, e.g., *United States v. Cordova*, 157 F.3d 587, 598-99 (8th Cir. 1998);

before trial. The parties must disclose the identity of any expert who will testify in rebuttal of an expert witness and make all disclosures as to such expert required by Federal Rule of Criminal Procedure 16 no later than 14 days before trial.

4. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **April 10, 2023**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Leung.

5. Counsel shall electronically file a letter on or before **April 10, 2023**, if no motions will be filed and there is no need for hearing.

6. All responses to motions shall be filed by **April 24, 2023**. D. Minn. LR 12.1(c)(2).

7. Any Notice of Intent to Call Witnesses shall be filed by **April 24, 2023**. D. Minn. LR 12.1(c)(3)(A).

8. Any Responsive Notice of Intent to Call Witnesses shall be filed by **April 27, 2023**. D. Minn. LR 12.1(c)(3)(B).

9. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

10. If required, the motions hearing, shall take place before the undersigned on **May 2, 2023, at 1:00 p.m.**, in Courtroom 9W, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota. D. Minn. LR 12.1(d).

11. **TRIAL: The trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for Chief District Judge Patrick J. Schiltz to confirm the new trial date.**

Dated: March 16, 2023

s/ Tony N. Leung  
TONY N. LEUNG  
United States Magistrate Judge  
District of Minnesota

*United States v. Nguyen et al.*  
Case No. 22-cr-168 (PJS/TNL)